?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 08.05.2019
*CORAM
THE HON-BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON-BLE MR.JUSTICE M.DHANDAPANI

+H.C.P(MD)No.384 of 2019

#S.Latha
... Petitioner

vs.

$1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Chathirapatti Police Station,
Dindigul District.

3. A.Sudhakar Francis
... Respondents

PRAYER :The petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents~1 and 2 to produce the petitioner-s son Shawn Ronald/ Detenue aged about 4 years, S/o.Sudhakar Francis before this Court and hand over the custody to the petitioner.

!For Petitioner : Mr.C.Gangai Amaran

^For Respondents~1 & R2 : Mr.S.Chandrasekar
Additional Public Prosecutor

:ORDER

(Order of the Court was made by G.R.SWAMINATHAN., J.)

The petitioner is the wife of the third respondent herein. According to the petitioner, their child is in the illegal custody of the third respondent.

2. We are of the view that to resolve the said issue, the petitioner has to file a Guardian and Ward Original Petition before the concerned Jurisdictional Court seeking custody. Filing of this Habeas Corpus petition is misconceived. It is open to the parties to seek their remedy by way of filing a custody petition before the appropriate Court.

3.The Habeas Corpus Petition stands dismissed accordingly.

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Chathirapatti Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.